

REMARKS

Claims 1, 4-7, 9, 10, 14-16, 19-21, 30, 31, 33, and 35-41 are pending.

Claim Rejections Involving Jackson

Applicants respectfully traverse the obviousness rejection of claims 1, 4-6, 9, 10, 19, 30, 31, and 37-41 over Jackson (US 3,847,873) as supported by the reasons discussed in the Response filed on October 31, 2005, which is incorporated by reference herein.

The Response notes at least two disadvantages of the aluminum/phosphorus containing catalyst of Jackson (US 3,847,873) over the zinc/phosphorus containing catalyst of Jackson. In addition, applicants want to point out a third disadvantage. The third disadvantage of the aluminum/phosphorus containing catalyst of Jackson (US 3,847,873) over the zinc/phosphorus containing catalyst of Jackson is that the polyester produced by the aluminum/phosphorus containing catalyst of Example 6 of Jackson had a much higher Y, yellowness, than that produced by the zinc/phosphorus containing catalyst of Example 2 of Jackson (25 versus 14, resulting in a difference of 11; see Table). The interpretation of the disclosures of a prior art reference is based on what is understood by a person of ordinary skill in the art as supplemented by the person's knowledge of the state of the art. In this case, US 4,133,800 exemplifies the state of the ordinary skill in the art. As stated in column 3, lines 24-25, of US 4,133,800, the higher Y is, the poorer the color of the polymer. In fact, according to US 4,133,800, an increase in Y by merely 7, or even as small as 3, is considered a large difference. This is because Example III in US 4,133,800 had $Y=27$ and the comparative Example I had $Y=30$. With an increase in Y of $30-27=3$, the comparative Example I is inferior than Example III. Furthermore, Example V in US 4,133,800 had $Y=25$ and the comparative Example VI in US 4,133,800 had $Y=32$. With an increase in Y of $32-25=7$, the comparative Example VI in US 4,133,800 is also inferior than Example V.

In contrast, in Jackson, the aluminum/phosphorus containing catalyst in Example 6 resulted in polyester having $Y=25$ and the zinc/phosphorus containing catalyst in Example 2 resulted in polyester having $Y=14$. That means Y in Example 6 of Jackson was higher than Y in Example 2 of Jackson by $25-14=11$. Due to the increase in Y of 11, which is huge considering

the teachings of US 4,133,800, the person of ordinary skill in the art would interpret Jackson as teaching away from using combinations of aluminum compound and phosphorus compound as catalysts for polyester production. This is another reason why the person of ordinary skill in the art would not have been motivated by Jackson to use a catalyst made of an aluminum compound and an aromatic phosphorus compound.

At least because of the above reason, the obviousness rejection should be withdrawn.

Claim Rejection Involving Ridland

Applicants respectfully traverse the obviousness rejection of claims 1, 4-7, 9, 10, 14-16, 19-21, 30, 31, 33, 35, 36 and 38-41 over Ridland (WO 99/28033) as supported by the discussion in the Response filed on October 31, 2005, which is incorporated by reference herein.

Applicants would like to point out a typographical error in the Response filed on October 31, 2005. In page 6, lines 6-8, of the Response, the term "Example 2" should be replaced with "Example 12" in the sentence "Even if Example 2 is compared with Examples which are not comparative examples, Example 12 had the lowest percent conversion." The fact that "Example 2" is a typographical error of "Example 12" is apparent because the conclusion of that sentence refers to Example 12, and because the preceding sentence also refers to Example 12.

CONCLUSION

In view of the above reasoning, applicants submit that the application is in a condition for allowance. In the event that the filing of this paper is deemed not timely, applicants petition for an extension of time. The Commissioner is authorized to charge the petition fee and any fees required in relation to the filing of this paper to Deposit Account No. 11-0600.

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Respectfully submitted,
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